

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,
Plaintiff,

v.

COMPASS GROUP USA, INC.
Defendant.

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C. A. NO.: 3:18-cv-00057

JURY TRIAL DEMANDED

**UNOPPOSED MOTION FOR STAY AND EXTENSION WITH REQUEST FOR
EXPEDITED RULING**

Plaintiff Equal Employment Opportunity Commission ("EEOC") moves this Court to stay this litigation and extend all deadlines due to the shutdown of operations of the Federal Government and lapse in appropriations. The EEOC also requests an expedited ruling on this motion.

1. EEOC is the Federal Government agency charged by Congress with interpreting, administering, and enforcing the Federal Government's major employment discrimination laws.
2. Congress failed to pass a continuing resolution on Friday December 21, 2018, and as a result, appropriations for funding Federal Government operations lapsed as of midnight on December 21st and the Federal Government is now shut down.
3. As a Federal Government agency, EEOC is subject to the federal Antideficiency Act, which provides in part that an "officer or employee of the United States Government ...may not ...involve [the] government in a contract or obligation for the payment of money

before an appropriation is made unless authorized by law...." (31 U.S.C. § 1341(a)(1)(B)) and "... may not accept voluntary services ...or employ personal services exceeding that authorized by law except for emergencies involving the safety of human life or the protection of property" (31 U.S.C. § 1342). Such emergencies "do[] not include ongoing, regular functions of the government the suspension of which would not imminently threaten the safety of human life or the protection of property" (*id.*).

4. Because of the lapse in appropriations of Federal Government funding and the requirements of the Antideficiency Act, EEOC lawyers and legal support staff are prohibited from engaging in litigation activities as of midnight on December 21, 2018, with the exception of a four-hour wind-down period on Monday, December 24, 2018.

5. Therefore, the EEOC seeks an order to stay this litigation for the duration of the lapse in agency appropriations and to extend all deadlines and discovery matters that occur during the lapse in appropriations for the same time period as the lapse.

6. Because government operations may resume at any time, the EEOC requests an expedited ruling on this motion.

7. Counsel for the EEOC has contacted Defendant's counsel regarding this motion and Defendant does not oppose this motion.

WHEREFORE, Plaintiff EEOC requests that this Court enter an Order staying the litigation of this matter due to a lapse in appropriations, lifting the stay upon restoration of appropriations, and extending all deadlines which occur during the term of any lapse in appropriations by the same time period as the lapse.

Respectfully Submitted,

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

/s/ Connie W. Gatlin

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CERTIFICATE OF CONFERENCE

The undersigned counsel certifies that, on December 26, 2018, she conferred regarding the relief requested herein by telephone with Stephen Roppolo, counsel for Defendant, who indicated that, due to the circumstances, Defendant is unopposed to the relief sought in this motion.

/s/ Connie W. Gatlin

Connie Wilhite Gatlin

CERTIFICATE OF SERVICE

I hereby certify that, on December 26, 2018, a copy of this document was served by electronic transmission via the District Court's CM/ECF system, pursuant to L.R. 5 of the Southern District of Texas, on counsel for Defendant, as follows:

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/s/ Connie W. Gatlin

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